

IN THE U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DONALD O. MACLACHLAN, et al.

Plaintiffs,

vs.

GENERAL ELECTRIC COMPANY, et al.,

Defendants.

CASE NO. 1:15 CV 10001

JUDGE: CHRISTOPHER A. BOYKO

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**MOTION FOR DISMISSAL WITHOUT PREJUDICE AS TO DEFENDANTS 3M COMPANY, A.O. SMITH CORPORATION, A.W. CHESTERTON COMPANY, ATLAS INDUSTRIES, INC., BORG-WARNER CORPORATION, C.P. HALL COMPANY, CERTAINTEED CORPORATION, COOPER INDUSTRIES, INC., CORHART REFRACTORIES, DANA CORPORATION, DURABLA MFG. CO., EDWARD R. HART COMPANY, ERICSSON, INC., F.B. WRIGHT COMPANY OF PITTSBURGH, FAIRMONT SUPPLY COMPANY, FLEXO PRODUCTS, INC., FOSTER WHEELER ENERGY CORPORATION, GENERAL REFRACTORIES COMPANY, GREENE TWEED & CO., GREFCO, INC., GUARD-LINE, INC., HERSH PACKING & RUBBER CO., HONEYWELL INTERNATIONAL, INC., I.U. NORTH AMERICA, INC., ILLINOIS TOOL WORKS, INC., JNO J DISCH COMPANY, KELSEY-HAYES COMPANY, LOCKHEED MARTIN CORPORATION, M.V.S. COMPANY, MAREMONT CORPORATION, METROPOLITAN LIFE INSURANCE COMPANY, MOBIL OIL CORPORATION, NITRO INDUSTRIAL COVERINGS, INC., NORTON COMPANY KNA SAINT GOBAIN ABRASIVES, INC., OAKFABCO INC., OGLEBAY NORTON COMPANY, OHIO PIPE & SUPPLY COMPANY INCORPORATED, OHIO VALLEY INSULATING COMPANY, INC., OKONITE INCORPORATED, OSRAM SYLVANIA, INC., PFIZER, INC., PITTSBURGH METALS PURIFYING CO., QUIGLEY COMPANY, INC., RAPID-AMERICAN CORP., RECORD INDUSTRIAL COMPANY, RED SEAL ELECTRIC CO., RILEY POWER, INC. F/K/A BABCOCK BORSIG POWER, INC. F/K/A RILEY STOKER CORPORATION, ROBERTSON-CECO CORP., ROCKBESTOS-SUPRENANT CABLE CORP., ROCKWELL AUTOMATION, INC., SAFETY FIRST INDUSTRIES, INC., SAGER CORPORATION, SEALED AIR CORPORATION, SEPCO CORPORATION, TASCO INSULATION CO., TENNECO AUTOMOTIVE OPERATING COMPANY, INC., THE MARMON GROUP, INC., THE MAU SHERWOOD SUPPLY COMPANY, THEIM CORPORATION, TRECO CONSTRUCTION SERVICES, UNION BOILER COMPANY, UNIROYAL FIBER & TEXTILE DIVISION OF UNIROYAL, INC., UNIROYAL, INC., UNIVERSAL REFRACTORIES, AND WHEELER PROTECTIVE APPAREL CORP., ONLY**

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Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs in the above-entitled action, hereby move this Honorable Court for an Order dismissing Defendants 3M Company, A.O. Smith Corporation, A.W. Chesterton Company, Atlas Industries, Inc., Borg-Warner Corporation, C.P. Hall Company, Certainteed Corporation, Cooper Industries, Inc., Corhart Refractories, Dana Corporation, Durabla Mfg. Co., Edward R. Hart Company, Ericsson, Inc., F.B. Wright Company of Pittsburgh, Fairmont Supply Company, Flexo Products, Inc., Foster Wheeler Energy Corporation, General Refractories Company, Greene Tweed & Co., Grefco, Inc., Guard-Line, Inc., Hersh Packing & Rubber Co., Honeywell International, Inc., I.U. North America, Inc., Illinois Tool Works, Inc., JNO J. Disch Company, Kelsey-Hayes Company, Lockheed Martin Corporation, M.V.S. Company, Maremont Corporation, Metropolitan Life Insurance Company, Mobil Oil Corporation, Nitro Industrial Coverings, Inc., Norton Company KNA Saint Gobain Abrasives Inc., Oakfabco Inc., Oglebay Norton company, Ohio Pipe & Supply Company Incorporated, Ohio Valley Insulating Company, Inc., Okonite Incorporated, Osram Sylvania, Inc., Pfizer, Inc., Pittsburgh Metals Purifying Co., Quigley Company, Inc., Rapid-American Corp., Record Industrial Company, Red Seal Electric Co., Riley Power, Inc. f/k/a Babcock Borsig Power, Inc. f/k/a Riley Stoker Corporation, Robertson-Ceco Corp., Rockbestos-Suprenant Cable Corp., Rockwell Automation, Inc., Safety First Industries, Inc., Sager Corporation, Sealed Air Corporation, Sepco Corporation, Tasco Insulation Co., Tenneco Automotive Operating Company, Inc., The Marmon Group, Inc., The Mau Sherwood Supply Company, Theim Corporation, Treco Construction Services, Union Boiler Company, Uniroyal Fiber & Textile Division of Uniroyal, Inc., Uniroyal, Inc., Universal Refractories and Wheeler Protective Apparel Corp., only and without prejudice. Plaintiffs assert that at this particular time,

Plaintiffs lack the requisite evidence to continue their claims against these listed Defendants. The case shall remain open against all remaining Defendants.

IT IS THEREFORE ORDERED AND ADJUDGED that the Plaintiffs Complaint, all amendments thereto, and all claims and causes of action encompassed by the Complaint and amendments, are dismissed without prejudice against these named Defendants with each party to bear its own costs.

Respectfully submitted,

KELLEY & FERRARO, L.L.P.

By:

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed electronically this 26<sup>th</sup> day of October, 2017 and notice of the filing has been sent to all parties through the operation of the Court's electronic filing system.

/s/ Brian R. Herberth  
Brian R. Herberth (0081985)